



Memorandum

TO: PLANNING COMMISSION**FROM:** Stephen M. Haase**SUBJECT:** SEE BELOW**DATE:** 10-2-02

COUNCIL DISTRICT: 10

SUBJECT: RA01-06-003 STATUS REPORT REQUESTED BY THE PLANNING COMMISSION ON NEIGHBORHOOD IMPACTS RESULTING FROM OPERATIONS AT 6136 MERIDIAN AVENUE DURING THE SUMMER OF 2002.

BACKGROUND

On March 13, 2002, the Planning Commission adopted a resolution granting a Request for Reasonable Accommodation for a reduced number of residents for 6136 Meridian Avenue. The Planning Commission requested staff to provide a status report on the facility after it had operated over the summer months. This is an informational status report only for the Planning Commission that is being provided pursuant to the Commission's request. This is not a compliance hearing and the Planning Commission has not requested any reconsideration of its decision on this item. Accordingly, any public testimony should be focused on providing the Commission with information related to the recent facility operations, per the Commission's request. The public hearing on the reasonable accommodation recently granted by the Commission in this matter is not being re-opened at this time for purposes of reconsideration of the former Commission decision, or to change the reasonable accommodation as granted by the Commission. Once again, this item is a status report only that is being provided in direct response to the Commission's specific request therefor.

On February 27, 2002, the Planning Commission held a hearing on an Appeal of the Director's decision to grant a Request for Reasonable Accommodation for 6136 Meridian Avenue to allow up to eighteen (18) occupants including two resident staff, provided that no more than five residents would be licensed drivers (including staff). The Director's decision was a reduction from the 25 residents initially requested by the applicant. The appeal was filed by an attorney representing the neighbors, and alleged that the Director's decision to grant the request for reasonable accommodation was not properly supported by the applicant's application, testimony, or written administrative record, and should therefore have been denied.

The Planning Commission received public comments and testimony. Neighbors identified that they had been subjected to unacceptable behavior and language from occupants of the residence, their concerns about overcrowding of individuals within the household, the lack of facilities and

supervision for children of clients within the residence, and the erosion of the quality of life in the neighborhood. The applicant and several residents of the facility provided testimony in support of the Request.

The Planning Commission, after considering the public testimony, granted a reasonable accommodation for a reduced number of occupants consisting of twelve (12) persons (maximum of seven (7) adults and resident staff), five (5) of whom are licensed drivers, and children of residents for a sober living environment. Pursuant to the Planning Commission resolution, City Staff was requested to provide a status report to the Planning Commission regarding any neighborhood impacts resulting from operation of this facility during the summer of 2002. This status report does not consist of a re-opening of the public hearing for purposes of reconsideration of former decisions or extension of approvals, but is an informational item for the Planning Commission that is being provided pursuant to the Commission's request. A "courtesy" notice of the pending status report and discussion by the Commission was sent to property owners and tenants within 300 feet from the property on September 27, 2002. The Notice identified that neighborhood input regarding issues or comments about the operation of the facility were welcome at the meeting or in advance if in writing.

ANALYSIS

On September 4, 2002, Planning Staff forwarded requests to the Building Division, Code Enforcement Division, Police Department, and the Santa Clara County District Attorney's Office for information regarding any building modifications, building code violations, complaints, calls for service, or criticism regarding the operation of the facility were received. Below is a summary of the information received:

Building Division: A permit search was performed. There have been no building permits requested or issued since March, 2002.

Code Enforcement: No complaints have been filed since the approval of the Request. The Code Enforcement Division identified the last complaint as occurring one-year ago in September, 2001 regarding overcrowding. At this time, the subject Request was already on file with the Department of Planning Building and Code Enforcement and under review.

Police Department: The Crime Analysis Unit retrieved police calls for service and reported no incidents at 6136 Meridian Avenue during the period of February 13, 2002 to the end of August, 2002. There was no data indicating that police responded to this address at any time during this period.

Santa Clara County Office of the District Attorney: No complaints regarding the operation of the facility were received. David Byers, Investigator for the DA's Office, inspected the home on September 16, 2002, and found it to be in compliance with the DA's Certification Guidelines. The DA's Office concluded that the home is being operated and managed properly.

Public Outreach: A "courtesy" notice of the pending status report and discussion by the Commission was sent to property owners and tenants within 300 feet from the property on September 27, 2002. The Notice identified that neighborhood input regarding issues or

comments about the operation of the facility were welcome at the meeting or in advance if in writing. No information was received in writing from the neighborhood as of 9/27/02. Telephone calls received by staff from a few residents may result in subsequent testimony at the upcoming meeting

CONCLUSION

Since the Planning Commission's March 13, 2002 approval of the Request for Reasonable Accommodation at 6136 Meridian Avenue for 12 residents, there have been no complaints identified by the City Departments and no complaints filed with the District Attorney's Office.

STEPHEN M. HAASE, DIRECTOR
Planning, Building, and Code Enforcement

Attachments: Memorandums from the Building Division (e-mail), and Code Enforcement Division (e-mail), the San Jose Police Department, Santa Clara County Office of the District Attorney.

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